

Application No. : 09/606,683
Filing Date : June 30, 2000

REMARKS

This Amendment is responsive to the BPAI decision dated October 29, 2009, and is being submitted with a Request for Continued Examination. By this Amendment, Applicants are (1) canceling the claims for which the Board affirmed the rejection, (2) rewriting the allowable dependent claims in independent form, and (3) adding new claims. No new matter is being added.

In view of the foregoing amendments, and for the reasons explained below, Applicants respectfully request that the Examiner withdraw the rejections set forth in the Examiner's Answer.

I. Allowable subject matter

In the Examiner's Answer dated June 6, 2007, the Examiner objected to claims 17, 18, 21, and 27 as being dependent upon a rejected base claim, and indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this Amendment, Applicants are re-writing allowable dependent claims 17 and 27 as new independent claims 42 and 44, respectively, with minor grammatical and formatting changes. Because these new claims include all of the limitations of the respective base claims and any intervening claims, Applicants submit that claims 42 and 44 are allowable.

II. New claims 28-41 are patentably distinct from Khan

Applicants respectfully submit that Khan (U.S. Patent No. 6,546,393) does not disclose or suggest all of the features of, and thus does not anticipate or render obvious, independent claims 28 and 35. For example, with respect to independent claim 28, Khan does not disclose or suggest, in the context of the other features of the claim, "selecting a network resource to be classified, wherein the network resource is selected based at least partly on usage statistics reflective of actual usage of the network resource by users" and "in response to the selection of the network resource, outputting an identifier of the network resource for presentation to each of a plurality of users via a user interface that provides functionality for the users to vote on a classification of the network resource, said user interface enabling each user to

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select a classification from a plurality of predefined classifications.”

With respect to independent claim 35, Khan does not disclose or suggest, in the context of the other features of the claim, “selecting, based at least partly on the usage statistics data, a network resource to be classified” and “outputting an identifier of the selected network resource for presentation to each of a plurality of users via a user interface that provides functionality for the users to vote on a classification of the selected network resource, said user interface enabling each user to select a classification from a plurality of predefined network resource classifications.”

Additional patentable distinctions over Khan are recited in the dependent claims.

III. Rescission of any prior disclaimers

Some of the new claims added by this amendment are different and possibly broader in scope than the claims previously pursued in this application. To the extent any previous amendments or remarks could be construed as a disclaimer of subject matter, Applicants hereby rescind and retract such disclaimer, and request that the Examiner revisit such disclaimer and any cited art it was made to avoid.

IV. Conclusion

In view of the foregoing amendments and remarks, Applicants request that the Examiner withdraw the rejections and issue a Notice of Allowance.

By focusing on specific claims and claim features, Applicants do not imply an agreement with, and do not acquiesce in, the statements made in the Office Actions and Examiner’s Answer regarding other claims and claim features.

By amending the claims and pointing out distinctions over the references, Applicants are not conceding that previously pending claims are not patentable over the cited references. Rather, the amendments and remarks are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the application’s disclosure. Accordingly, reviewers of this or any child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter. In addition, Applicants’ arguments in favor of one independent claim should not be imputed to any other independent claim, even if the terminology is similar.

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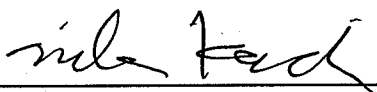
If any issues remain which can potentially be resolved by telephone, the Examiner is invited to call the undersigned attorney of record at his direct dial number listed below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: December 29, 2009

By: _____


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